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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/817,695	03/26/2001	Bertram J. White	TI-31770	9349

23494 7590 02/28/2003

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EXAMINER

SMITH, TYRONE W

ART UNIT	PAPER NUMBER
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2837

DATE MAILED: 02/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/817,695

Applicant(s)

WHITE ET AL.

Examiner

Tyrone W Smith

Art Unit

2837

--Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 2/17/03 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

DETAILED ACTION

1. Applicant's arguments to Final Rejection filed February 17, 2003 have been fully considered but they are not persuasive.

Applicant argues that Yoshida does not disclose a flyback voltage and voltage associated with motor braking. Further, Applicant contends that Choi does not disclose a control circuit receiving a flyback voltage from the motor during a pulse voltage/voltage state and receiving a reduced flyback voltage being reduced from the flyback voltage from the motor during a high voltage state.

Examiner's rejection is based on the claims as presented. Yoshida controls the motor in three different voltage states as described in Figure 1 items 15 (selecting means) and 20 (power supply using three different voltage states). The selecting means sends a signal to the motor driving means (Figure 1 item 10) to control the motor. Further, Yoshida discloses performing motor braking in a low voltage state, which is equivalent to the deceleration mode in the reference. The rotation speed of the spindle motor is controlled through open loop control using reverse phase braking; deceleration is achieved by selecting a lower voltage supply (low voltage state).

Choi discloses a circuit for changing, reduced or altered, the frequency value during a high state, can also be pulse, in response to an output signal of the comparator and a BEMF (flyback) signal. Applicant should refer to Choi in the abstract and column 1 lines 55-64.

The claims first state controlling three different voltage states and motor braking during a low voltage state, this is covered by Yoshida as explained above. The claims second state receiving a flyback voltage from the motor during a different voltage state and reduced or altered flyback voltage during a high voltage state, this is covered by Choi as described above.

Examiner suggests that the Applicant amend and expound on the claims for apt prosecution on the case. Rejection is maintained based on 35 U.S.C. 103(a).

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tyrone W Smith whose telephone number is 703-306-5987. The examiner can normally be reached on weekdays from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Nappi, can be reached on (703) 308-3370. The fax phone number for the organization where this application or proceeding is assigned is 703-308-3431.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1782.

Tyrone Smith

Art Unit 2837


ROBERT E. NAPPI
SUPERVISORY PATENT EXAMINER
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